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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,297	09/21/2005	Raymond Andrieu	HANCOCK.014NP	1931
20995	7590	11/20/2007	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			SCHILLINGER, ANN M	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			3774	
IRVINE, CA 92614			NOTIFICATION DATE	
			11/20/2007	
			DELIVERY MODE	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/550,297	ANDRIEU ET AL.
	Examiner	Art Unit
	Ann Schillinger	3774

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
 If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
 Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 August 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 21-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-35 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22, 23, and 26 are rejected under 35 U.S.C. § 112, second paragraph. These claims recite the limitation of a plurality of intraparietal reinforcement devices. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-26 and 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Vesely et al. (US Pat. No. 5,549,665). Vesely discloses an animal aortic valve (27), a tubular outer wall (23), and an intraparietal reinforcement device (11, 14) including a rod (11).

Alternatively, Vesely et al. can be interpreted as follows to disclose the limitations of claim 21: a biological prosthesis comprising an animal aortic valve (27) through which blood flows in a single direction, the aortic valve having a tubular outer wall (7), in combination with an intraparietal reinforcement device (9) comprising a rod (11) implanted in said tubular wall and extending substantially parallel to said direction of blood flow (see Figures 2-4).

Vesely et al. discloses claims 22, 23, and 28-31 as shown in Figure 2, where the plurality of intraparietal devices constitutes the plurality of rods.

Vesely et al. discloses claims 24-26 as shown in Figure 4 and in col. 4, lines 13-25.

Vesely et al. discloses the following of claim 32: a biological prosthesis according to claim 21, wherein said intraparietal reinforcement device has a cross piece (13A, 17A, 21A) at one end.

Vesely et al. discloses the following of claim 33: a biological prosthesis according to claim 32, wherein said cross piece is a straight bar (13A).

Vesely et al. discloses the following of claim 34: a biological prosthesis according to claim 32, wherein said cross piece has the same curvature as said tubular wall (see 17A).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesely et al. in view of Bedard (US Pat. No. 4,506,394). Vesely et al. discloses the invention substantially as claimed, however, Vesely et al. does not disclose coating portions of the implant with Teflon.

Bedard teaches a cardiac valve with a tubular outer wall and an intraparietal reinforcement device that is coated with Teflon in col. 7, lines 26-46 for the purpose of minimizing tissue growth.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to coat portions of the implant with Teflon in order to minimize tissue growth.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesely et al. in view of Schreck (US Pat. No. 6,767,362). Vesely et al. discloses the invention substantially as claimed, however, Vesely et al. does not disclose cross pieces on both ends of an intraparietal reinforcement device.

Schreck teaches a prosthetic heart valve with a tubular outer wall and an intraparietal reinforcement device that has connection pieces at both ends of the tubular posts in columns 6-8 for the purpose of securing the parts of the prosthesis together.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to put cross pieces on both ends of the intraparietal reinforcement device in order to secure parts of the prosthesis together.

#### *Response to Arguments*

Applicant's arguments with respect to claims 21-35 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Schillinger whose telephone number is (571) 272-6652. The examiner can normally be reached on Mon. thru Fri. 9 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ann Schillinger  
November 7, 2007

*A. Stewart*  
ALVIN J. STEWART  
PRIMARY EXAMINER